

Exhibit A

THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH	
<p>ZEBEDIAH GEORGE DALTON; BLUERIBBON COALITION; KYLE KIMMERLE; and SUZETTE RANEA MORRIS;</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p>v.</p> <p>JOSEPH R. BIDEN, JR., in his official capacity as President of the United States; DEBRA A. HAALAND, in her official capacity as Secretary of Interior; DEPARTMENT OF THE INTERIOR; TRACY STONE-MANNING, in her official capacity as Director of the Bureau of Land Management; BUREAU OF LAND MANAGEMENT; THOMAS J. VILSACK, in his official capacity as Secretary of Agriculture; DEPARTMENT OF AGRICULTURE; RANDY MOORE, in his official capacity as Chief of the United States Forest Service; and UNITED STATES FOREST SERVICE,</p> <p style="text-align: center;"><i>Defendants.</i></p>	<p>Civil Action No. 4:22-cv-0060-DN</p> <p style="text-align: center;">Hon. David Nuffer</p>

**DECLARATION OF MARK MARYBOY IN SUPPORT OF INTERVENTION
BY UTAH DINÉ BIKÉYAH**

1. My name is Mark Maryboy. I submit this declaration on behalf of Utah Diné Bikéyah (“UDB”) in support of intervention by the Proposed UDB Intervenors (Utah Diné Bikéyah, Friends of Cedar Mesa, Archaeology Southwest, Conservation Lands Foundation, Inc., Patagonia Works, The Access Fund, National Trust for Historic Preservation, and the Society of Vertebrate Paleontology) in the above-captioned matter.

2. I am a citizen of the United States, a member of the Navajo Nation, and a resident of Montezuma Creek, Utah. I am a member of UDB and a former member of the board of directors. I was a founding member of UDB and was a board member from 2013 to 2020. As a member of the board of directors for UDB, I was responsible for the overall policy and direction of the organization and for managing the business, property, and affairs of the organization.

3. UDB is a 501(c)(3) nonprofit organization that was founded in 2011. UDB is a Native American-led, values-driven organization that recognizes the deep and ongoing spiritual connection between indigenous people and the land. UDB operates at the intersection of culture and conservation, by promoting land protection that honors and includes human societies that have existed in ecosystems since time immemorial. UDB seeks to heal people and the Earth by ensuring that sacred ancestral lands remain intact for future generations of all people.

4. I have lived my whole life in the Bears Ears region. I was born December 10, 1955 at St. Christopher's Mission in Bluff, Utah. I was raised in a traditional Navajo family. My father was a uranium miner in Utah and Arizona. He died of lung cancer at the age of 50.

5. Throughout my childhood, we lived close to or within areas encompassed by the Bears Ears National Monument, including both Allen Canyon and Fry Canyon. These areas were excluded from protection under President Trump's December 4, 2017 Proclamation ("Revocation Proclamation"), but President Biden's October 8, 2021 Proclamation restored monument protection to these lands.

6. We lived a traditional life throughout my childhood and engaged in the traditional Navajo uses of the land within the Bears Ears. My family used the lands contained within the Bears Ears for traditional medicine, herb, and pinyon gathering, and we participated in traditional ceremonies in the area.

7. There is a long history of discrimination in San Juan County against Navajo people. My parents taught me to stand up for myself and for my people.

8. After graduating from San Juan High School in Blanding, Utah, I went to the University of Utah in Salt Lake City, and after graduating in 1978, I went to work for the retailer KMART. This decision was in accordance with advice from my father, who told me that I should leave the reservation and work with people of a different nationality before returning home to help lead my people. Though I had a clear path to rise in management at KMART, I returned home in 1986 to run for a seat on the San Juan County Commission and fulfill the path—initially laid out by my father—to be a leader of our people.

9. I was the first Navajo elected to be a San Juan County commissioner, and served in that position from 1986 to 2002. During my time as a commissioner, I fought for fair access to public lands for traditional ceremonies and sought to protect our ancestral lands and sacred sites from looting and desecration caused by increased off-road vehicle use, oil and gas development, and mining. I also served on the Navajo Nation Council from 1990 to 2006.

10. I first became aware of the sanctity of the area and the need to protect the Bears Ears landscape and sacred sites in 1968, when Bobby Kennedy came to Bluff, Utah to meet with Navajo elders. The meeting occurred on the south side of the Navajo

reservation. At the time, Bobby Kennedy was running for President. I was a young kid and my father grabbed me and told me to sit and listen to what the elders were saying. They were talking about the protection of the Bears Ears. This was how I first became aware that the elders and other tribal members were concerned about the Bears Ears, and this meeting served as the catalyst for what would ultimately become UDB's mission and purpose: to gather traditional knowledge to better understand the areas in need of protection and to then advocate for the permanent protection of the Bears Ears region as defined by the Native American tribes with ancestral ties to the land.

UDB's Interest in the Bears Ears National Monument

11. UDB arose because there was a need for an organization focused on Navajo traditional and cultural principles to advocate for the protection of Bears Ears. UDB helps me and other Native Americans with ties to Bears Ears monitor and protect the landscape and objects within it according to our spiritual and cultural needs and with a focus on the traditional knowledge of our Tribes and people. Accordingly, UDB focuses on the traditional and ancient use of the environment contained in the Bears Ears region, and on conserving and preserving the Bears Ears region for its cultural, ancestral, and paleontological resources. The organization also focuses on preventing increased mineral development and exploration in the area, which I view as one of the greatest threats to the environment and Native American way of life in the Bears Ears region.

12. As part of its effort to preserve the Bears Ears, UDB has worked to gather traditional cultural knowledge from Navajo elders about the region. This was a difficult task because many elders had been afraid to share for fear that it would lead to the desecration

and destruction of cultural resources and sacred sites throughout the area. But when elders did share, they regularly commented that this landscape should not be broken up or fractured into different jurisdictions with different rules. It should be protected as a whole, they would say. Specifically, they were referring to the landscape between the two rivers, the San Juan and Colorado, and the entirety of the original Bears Ears National Monument proposal. These lands are viewed as a “living cultural landscape,” in which the land is alive both as a whole, as well as in its component parts. For example, the entire mountain range of the Abajos and the Bears Ears Buttes themselves are viewed as non-human persons who watch over the plants, animals, insects, and us, as people. In turn, as humans, our role is to watch over, protect, and bestow our gifts (songs, prayers, and stewardship) onto these persons (mountains, valleys, landscapes, plants, animals, etc.). The relationships with these “non-human persons” are what really matter, and there are countless examples of “intangible heritage resources” that sustain and are sustained by traditional cultural practice. Native Americans understand these landscape features better than anyone, given the thousands of years of experience they have living within this landscape, interacting with these resources, and utilizing them for food, medicine, and spiritual strength.

13. For Navajo, BENM is a whole being, it is a mountain that is sacred in its own right, as well as for its transmission through our cultural knowledge. We view Bears Ears as sacred in its entirety. For us, the entirety of the landscape is a being which cannot be made smaller. It would be like taking a pound of flesh from a human body, or perhaps viewing a single spot within a church (perhaps the basin where people are baptized) as the only sacred

spot. For us, Bears Ears is a classroom and a church which must be managed and protected across its entire being. This is how Navajo people relate to the Bears Ears landscape.

14. After UDB gathered traditional cultural knowledge from Navajo elders about the region, that knowledge became part of the Public Lands Initiative (“PLI”) spearheaded by then-Senator Robert Bennett, and it was used to create a map and a proposal to be included in Senator Bennett’s omnibus lands bill.

15. When Senator Bennett lost his re-election campaign, Representative Rob Bishop took over the PLI process. In response, UDB began a second round of interviews with the Navajo elders, and these interviews turned into a book that laid out UDB’s vision for the protection of the area. The San Juan County commissioners involved in the PLI process were not receptive, however, and our plan was ignored. UDB then reached out to the tribal leaders of the Ute, Mountain Ute, and Hopi tribes and asked them to exercise their sovereign authority and government-to-government relationship to promote the Bears Ears plan directly with the Utah delegation in Congress while UDB continued to support tribal leaders and build support on the ground. Ultimately, UDB’s efforts to work cooperatively with San Juan County through the PLI process proved fruitless, and in 2015, UDB switched gears and focused on seeking national monument designation under the Antiquities Act.

16. As part of its effort to support the establishment of the Bears Ears National Monument, UDB opened up communications with the Department of Interior and invited then-Secretary of Interior, Sally Jewell, to Bluff, Utah to visit the Bears Ears. UDB also helped to facilitate the formation of the Bears Ears Inter-Tribal Coalition (“BEITC”), which brought together tribal leaders from the Ute Mountain Ute, Uintah Ouray Ute, Hopi, Zuni,

and Navajo. After its creation, the BEITC crafted and presented a Bears Ears National Monument proposal in Washington, D.C. The proposal earned the endorsement of the National Congress of American Indians, which represents 270 Tribes from across the United States.

17. President Obama's Proclamation establishing the Bears Ears National Monument ("Proclamation 9558") was a significant achievement for UDB and the tribes. The Bears Ears National Monument represented the first national monument designated under the authority of the Antiquities Act at the request of sovereign tribes. National monument designation provided the Bears Ears region and its significant cultural, natural, and scientific resources with much needed protections. Proclamation 9558 prohibited oil and gas leasing and future mining claims within the Monument's boundaries. Proclamation 9558 also mandated a multi-stakeholder process, including tribal participation, to develop a federal land management plan for the future protection, preservation, and management of the area.

18. In December 2017, following the announcement of President Trump's proclamation dramatically reducing the size of Bears Ears National Monument, UDB joined Friends of Cedar Mesa, Archaeology Southwest, Conservation Lands Foundation, Inc., Patagonia Works, The Access Fund, and the National Trust for Historic Preservation as plaintiffs in a lawsuit filed in the United States District Court for the District of Columbia challenging the Trump Proclamation. That lawsuit alleged that the Trump Proclamation exceeded the President's authority under the Antiquities Act, and sought a declaration that the Trump Proclamation was unlawful. UDB, along with its partner organizations, has been

part of that litigation for nearly five years. That litigation is still pending in the District of Columbia.

19. UDB has also undertaken a variety of projects central to its mission that celebrate and promote the ties that the tribes have with the land and attempt to learn from the knowledge the tribes have derived from their long history with the Bears Ears region.

20. For example, UDB has partnered with the University of Utah and secured a significant grant from the National Science Foundation for a multi-year study of firewood collection habits among the Native peoples in and near the Bears Ears Area. One of the objectives of this work is to understand the longstanding traditions and practices of the Native peoples and the influence of those practices on the resiliency of the local forests. UDB believes that traditional knowledge on subjects such as firewood collection may contribute to healthier and more balanced land-use practices, and believes that this study is just one instance among many in which all stakeholders can benefit from the traditional knowledge held by the Native people.

21. UDB has also implemented a traditional foods program which seeks to identify holistic solutions that restore Native American traditional food practices relating to wild foods, hunting rituals, and traditional farming practices, as well as to identify and preserve traditional food recipes and cooking practices. UDB also attempts to understand economic, social, and political barriers to healthy food practices and access to traditional foods, strengthen traditional cultures in areas of food, health, language, and spirituality, and celebrate and restore relationships with traditional foods through ceremonies, songs, and stories. One aspect of UDB's traditional foods program is the promotion and reintroduction

of the native Four Corners Potato, which is believed to trace its history back eleven thousand years within the Bears Ears Area.

22. Additionally, UDB has participated in local economic development planning, with the dual goals of community building and increasing economic opportunity in the local area, consistent with the priorities of the tribes and local people and conservation of the Bears Ears Area. As an outgrowth of that effort, UDB began holding training programs for prospective local entrepreneurs in August 2018. UDB hired a community resiliency specialist, whose duties include outreach, planning for community infrastructure, and designing trainings in collaboration with the Navajo Nation and the Chapter Houses. UDB is currently preparing to re-start an entrepreneurial training each month in Monument Valley with the Rural Community Assistance Corporation (“RCAC”) (<https://www.rcac.org/>). Because of the COVID-19 pandemic, UDB paused the entrepreneurial training but plans to renew the program in early 2023. The trainings focus on teaching potential entrepreneurs how to recognize and build opportunities and articulate business plans. Many of the potential entrepreneurs who attend these trainings are artists whose work is inextricably tied to the Bears Ears Area. Some of the artists who have attended our trainings are inspired by the landscape, history, and culture of the Bears Ears Area, while others collect renewable raw plant materials for use in their art.

Personal Interest in the Bears Ears National Monument

23. I have lived my whole life in the Bears Ears region. The areas originally protected by the Proclamation 9558 and now protected by President Biden’s Proclamation (also referred to here as “Proclamation 10285”) are inextricably linked to my culture, my

faith, and my community. Our elders have always said that our culture and language will remain strong with the support of the spirits of our ancestors present in the remnants of the ancient sites and the writings on the walls in the canyons. And that if some should ever question our existence, that will be our proof. Thus, a central mission in my life has been to ensure that these places remain for my people to visit, and to gather the traditional knowledge of the elders about these areas and their role in our faith and culture and pass this knowledge on to the next generation.

24. The Bears Ears landscape is woven into my life, my faith, my culture, and my heritage. As such, I regularly visit, and intend to continue to visit, areas within the Bears Ears that were excluded from monument protection by the Revocation Proclamation but that are now part of the Bears Ears National Monument again under Proclamation 10285. I visit these areas to perform traditional Navajo ceremonies, such as Rock Crystal Talking God, Happiness Boy, White Shell Woman, White Corn Boy, Yellow Corn Girl, First Man, Pollen Boy, and Corn Beetle Girl. These areas, which are now part of the Monument again under Proclamation 10285, include:

- White Canyon: I lived in Fry Canyon, a tributary to White Canyon, as a child. To this day I visit the White Canyon area approximately once per year to pray in the junipers, and amongst the plants, rocks, and other living organisms that inhabit the area. While there, I place corn pollen on the ground in accordance with Navajo spiritual traditions. My last trip to White Canyon was in July 2022, and I intend to continue to return to this area within the next year and for many years to come.

- Cedar Mesa: I visit the Cedar Mesa area probably more than any other area within the Bears Ears region. I go here to pray and to see the evidence and remnants of my culture and those that came before us. During my time in Cedar Mesa, I have seen evidence of sweathouses and Navajo Hogan, and the ancient roads of the Anasazi. I visited excluded areas in Cedar Mesa most recently in July 2022, and have concrete intentions to continue to return to this area.
- Valley of the Gods: Valley of the Gods is another area that we use for traditional ceremonies and that I visit at least once each year. For example, there are sacred stones in this area that we consider to be protectors of our people and our land. We call it the place of worriers. Our medicine men will bring those who are going to serve in the military here; my brother went here before he left to serve for Vietnam in 1967. I last visited Valley of the Gods in September of 2022 and have concrete intentions to continue to return to this area.
- Elk Ridge, Bears Ears Meadow, and Abajo Mountains: I visit this area multiple times per year, usually in the summer or spring. I visit the Bears Ears meadow to conduct traditional ceremonies, such as crystal gazing, star gazing, and corn pollen ceremonies. We have a ceremonial hill in the meadow. I have also visited here to look for Chief Manuelito's birthplace. I last visited the Bears Ears Meadow in July 2022 and have concrete intentions to continue to return to this area.
- In addition to the above places, I also regularly visit, and intend to continue to visit, other areas that were excluded from the Monument by the Revocation

Proclamation but that are now part of the Monument again following Proclamation 10285, such as Arch Canyon and Beef Basin.

25. I currently reside in Montezuma Creek, approximately twenty-five miles east of the Bears Ears National Monument. I also have a sheep camp in Red Mesa. From my sheep camp I can see the Bears Ears formation in the distance. I pray to it every day that I am there. I have fought for over thirty years to seek protection for the Bears Ears region and the ancestral lands that it contains, and I intend to continue to visit these areas that are essential to my culture and my being for as long as I am able.

Injury Stemming from the Revocation Proclamation

26. As noted, on December 4, 2017, President Trump issued a proclamation (the “Revocation Proclamation”) revoking the Bears Ears National Monument and replacing it with the Indian Creek and Shash Jáa areas, which covered and protected a significantly smaller area and significantly fewer historic landmarks, historic and prehistoric structures, and objects of historic and scientific interest. Many of the sacred sites I visit on a regular basis, and intend to continue visiting on a regular basis, were originally designated as part of the Bears Ears National Monument by Proclamation 9558, but were subsequently removed from the Monument by the Revocation Proclamation. Those sites include White Canyon, Cedar Mesa, Valley of the Gods, Elk Ridge, Bears Ears Meadow, the Abajo Mountains, Arch Canyon, and Beef Basin.

27. Following the Revocation Proclamation, many important sites and the resources they contain suffered damage and degradation because they were excluded from the Monument. I have seen rock art throughout the region, for example, that has been defaced

by significant acts of vandalism. For example, I have seen defacing and vandalism at the “Woof Man” site, in the area west of Bluff, Utah. And I have seen that many areas, such as Cedar Mesa, have suffered from overuse and degradation as a result of the growth of cow trails and manure, as well as overgrazing in and around sacred areas. I have also noticed a significant increase in the number of visitors, vehicles, and traffic in the area since 2016. On top of contributing to the destruction of ancient sites, these intrusions into the sacred landscape create barriers to connecting with the spiritual nature of the area.

28. Much of this degradation occurred following the Revocation Proclamation because the Bureau of Land Management (“BLM”) lacked the necessary resources to adequately protect the important sites that were excluded from the Bears Ears National Monument by the Revocation Proclamation. The BLM focused its resources instead on the limited parcels of land that retained monument protection under the Revocation Proclamation. By removing many of the areas sacred to me and my cultural heritage from the boundaries of the Bears Ears National Monument, the Revocation Proclamation removed the mandate that BLM manage this area holistically to protect these cultural landscapes and resources.

29. In particular, a lack of instruction on respectful use prior to entering the Bears Ears Area leads to situations where the public inadvertently causes major impacts. For example, one UDB member saw a young boy attempting to take home pottery shards found in a concentrated area within Butler Wash on Comb Ridge. The removal of such objects degrades a site by depleting the richness of both its past and present. While the Revocation

Proclamation was in effect, this visitor was not educated on respectful use prior to entering the area, and there were inadequate resources for rangers to monitor visitor impacts.

30. In the absence of adequate BLM protection, UDB was forced to divert its resources away from other important projects to mitigate impacts to the Bears Ears Area that resulted from an increase in public visitation in the 1.1 million acres excluded from the monument boundaries by the Revocation Proclamation. These lands would have seen an increase in management resources under Proclamation 9558, but were deprived of those resources by the Revocation Proclamation.

31. The Revocation Proclamation had a significant impact on how UDB was able to allocate its time, attention, and resources. Instead of strengthening its programs, including the study, celebration, and preservation of traditional knowledge, UDB was forced to fight for the preservation of the foundational resource upon which its mission is based.

32. UDB had to re-allocate its resources in order to protect the area from the looming threat of resource development, looting, and vandalism that directly resulted from President Trump's decision to rescind the national monument designation. For example, after the Revocation Proclamation, on at least two occasions in March and September of 2018, a UDB member individually went into the Cedar Mesa region, an area that was excluded from the Monument by the Revocation Proclamation, and documented an ancestral Puebloan hand-constructed dam in order to validate the cultural and archeological significance of that dam and provide a baseline to inform future monitoring efforts. While the Revocation Proclamation was in place, UDB dedicated staff resources to monitor this site, visiting it on a biannual basis because it was no longer contained within the monument

boundaries and was thus at greater risk of off-road vehicle damage and vandalism. Had President Trump not rescinded the Bears Ears National Monument, UDB would not have dedicated its resources to documenting the site. Instead, under the mandate in Proclamation 9558 that BLM prepare a monument management plan that expressly protects these types of cultural resources, UDB could have simply notified the agency of the site's location so it could be documented and included in the monument planning efforts.

33. In response to the Revocation Proclamation, UDB devoted sixty percent or more of its 2017 operational budget to preventing the diminishment of the monument designated by Proclamation 9558 and to push for the Tribes in their individual and collective efforts to oversee the management of their ancestral lands. In 2018 and 2019, UDB continued to devote approximately twenty percent or more of its operational budget to these efforts. Without this redirection of resources, and had President Trump not issued the Revocation Proclamation, UDB would have been able to devote more attention to its study of traditional firewood collection practices, its traditional foods program, and its entrepreneurial trainings. Moreover, UDB estimates it will re-direct approximately twenty percent or more of its operational budget again to prevent the diminishment of the monument with respect to a challenge to the Biden Proclamation.

34. UDB diverted its resources away from developing a sustainable economy built upon local artists, entrepreneurs, businesses, and community leaders to instead seeking lasting protection of this area. Because of the Revocation Proclamation, UDB was forced to divert resources from these efforts to seek ways to ensure the area is protected.

35. The Revocation Proclamation also directly impaired UDB's ability to carry out its mission to preserve and record critical ecological and spiritual knowledge and insights for managing the landscape sustainably for generations to come. Gathering traditional cultural knowledge from Navajo elders became more difficult after the Revocation Proclamation because of the greater levels of distrust among Navajo elders following the reduction of the Monument. The antagonism of non-Native people in San Juan County toward UDB and others attempting to protect Bears Ears contributed to the wariness of elders to share their cultural knowledge, and this tension affected the interactions of tribal members with these residents and the county. Moreover, the Revocation Proclamation eliminated the specific references in Proclamation 9558 to cultural knowledge as a resource in and of itself worthy of protection, and it reduced the role of tribes in managing the area in the Revocation Proclamation. This sent a clear message to Native people that their wisdom is not valued, which, in turn, reduced the likelihood that the tribes and local people trusted and wanted to engage with UDB's projects to preserve and share their knowledge.

36. This prevented UDB from successfully carrying out its organizational mission. Beginning in 2016, UDB began planning for how to collect and incorporate the traditional wisdom of Native American elders from each of the Tribes into a future collaborative land planning process for Bears Ears. UDB had already conducted extensive ethnographic work already and aimed to expand the work. As such, UDB secured several years of funding from more than six foundations—totaling approximately \$600,000—to develop strategies and structures for tribal management, and to hire a land planning team. UDB hired a talented team of eight young Native American traditionalists with various

scientific degrees who were poised to interview elders and map land-based resources. However, the Revocation Proclamation and the uncertainty of the future of the monument eroded trust toward the federal government and directly resulted in an important piece of the ethnographic work, the elder interviews, stalling. The Revocation Proclamation reduced Native elders' comfort with passing on their sensitive information for fear it would be misused or ignored. As a result, UDB was unable to enter into memorandums of agreement or sign confidentiality agreements with Tribes, and this work stalled. This delay caused irreparable damage to UDB's core mission, as many knowledgeable elders are dying, including Mary Jane Yazzie, a former UDB Board Member and the most fluent speaker of the Ute language in existence, who died on September 24th, 2018.

37. Instead of focusing on conducting elder interviews to collect and preserve traditional knowledge, the staff was forced to provide education and training to reporters on cultural customs to prevent the exploitation of Native American people. The staff was also forced to redirect their work to provide comparable training to environmental groups to ensure effective engagement with Tribes and Native peoples.

38. UDB's traditional foods program has also been hindered by the Revocation Proclamation. The identified areas where the four corners potato grows wild were excluded from the monument boundaries by the Revocation Proclamation. Currently, the four corners potato is only found in the wild growing adjacent to historic Puebloan sites, particularly several kivas that are approximately 500 yards outside the boundaries of the Shash Jáa unit protected by President Trump. Because the Revocation Proclamation reduced the protections for the lands where the four corners potato grows wild, and because those lands

would not benefit from additional BLM resources to protect the land, UDB was concerned that these lands would be degraded or suffer damage. That, in turn, hindered UDB's ability to move forward on this project.

39. The Revocation Proclamation also exposed the land in the region to the threat of oil, gas, and mineral development. Over the years, I have witnessed the increased development of oil and gas production in the areas surrounding the Bears Ears. Montezuma Creek, Utah, where I live, is surrounded by oil and gas wells. Many of these wells were drilled in the 1950s and the operators are now conducting secondary recovery operations. This requires the injection of chemicals into the well in order to increase production. These chemicals threaten to contaminate our underground water resources and natural springs. The odor from these operations is pervasive and the night sky is lit up by the lights of the flares from these operations.

40. Furthermore, the Navajo in New Mexico are now reporting earthquakes they believe are associated with hydraulic fracturing and oil and gas production. If these earthquakes were to happen within the former boundaries of the Bears Ears National Monument, that would put the fragile cultural sites scattered throughout the Bears Ears region at risk.

41. I have personally seen oil and gas wells that have been drilled within ten miles of the Bears Ears formation and the boundaries of the Bears Ears National Monument. The land in the Bears Ears National Monument was comprehensively protected from future mineral development. But the Revocation Proclamation displaced these protections for lands that it excluded from the Monument, leaving these lands open for activities such as oil and

gas leasing and mining. As a result, the Revocation Proclamation threatened to degrade both natural and cultural resources important to me personally and to the Navajo people.

42. In short, the Revocation Proclamation harmed UDB's mission, and it harmed my personal, spiritual, and aesthetic interests. President Trump's decision to revoke the Bears Ears National Monument removed significant protections that would have prevented the degradation of the cultural and natural resources that are central to my personal and spiritual well-being.

Injury Stemming from Plaintiffs' Lawsuit

43. If Plaintiffs prevail in their lawsuit challenging the Biden Proclamation, UDB would experience many of the same harms it suffered after the Trump Proclamation dramatically reduced the size of the Bears Ears National Monument. Should Plaintiffs win their lawsuit, the protections conferred by the Biden proclamation would likely disappear, exposing UDB to the same harms to its interests that it experienced following the Trump Proclamation.

44. Plaintiffs' lawsuit, if successful, would result in additional damage and degradation to the lands that are now protected by the Biden Proclamation. The BLM focuses its limited resources on the parcels of land that are protected as part of the Bears Ears National Monument. As a result, while the Revocation Proclamation was in effect, BLM focused its resources only on the limited parcels of land that retained monument protection under the Revocation Proclamation. BLM rangers were not focused on instructing visitors about respectful use on non-monument lands. This lack of resources resulted in damage to, and degradation of, the lands that were excluded from the Monument

by the Revocation Proclamation. The Biden Proclamation will mean that these lands are now protected as part of the Monument, and that BLM rangers will have greater resources to protect the land from degradation due to increased visitation and looting. If Plaintiffs' lawsuit succeeds, however, the lands now protected by the Biden Proclamation—but excluded by the Revocation Proclamation—will once again lack critical resources necessary for their protection. A court ruling declaring the Biden Proclamation unlawful would mean that many of the important sites that I visit on a regular basis would no longer enjoy monument protections and the increase in management resources that accompanies monument status.

45. Plaintiffs' lawsuit, if successful, would have a significant impact on how UDB allocates its time, attention, and resources, prompting UDB to divert funding away from its programs in order to protect the area from the threat of resource development, looting, and vandalism. Without the increase in management resources that would accompany the Biden Proclamation, the lands that would lose monument protection if Plaintiffs' lawsuit were successful would be exposed to damage and degradation, much as they were while the Revocation Proclamation was in effect. That means that, just as was true under the Revocation Proclamation, UDB would need to shift its resources away from other projects to protect these lands.

46. For instance, while the Revocation Proclamation was in effect, UDB dedicated staff resources to monitoring important cultural and archaeological sites that had been excluded from the Monument boundaries. In light of the Biden Proclamation's mandate that BLM prepare a monument management plan that protects these types of

cultural resources, UDB has significantly reduced the amount of staff resources it will devote to these monitoring efforts. If the Plaintiffs lawsuit succeeds, however, UDB would again need to dedicate its own staff resources to monitoring and protecting these sites because those sites would no longer be within the boundaries of the Monument. As a result, UDB would need to divert much-needed resources away from other important projects, specifically current projects like Navajo language training and Navajo radio announcements on traditional knowledge, that are also critical to UDB's mission.

47. If Plaintiffs' lawsuit succeeds, UDB would also need to spend additional resources instructing visitors on how to respectfully use and visit the Bears Ears Area. The Biden Proclamation will direct additional BLM resources to lands that are now protected as part of the Monument, including for BLM rangers who can educate casual visitors to the Monument and protect the land from degradation due to increased visitation and looting. *See* Fact Sheet: President Biden Restores Protections for Three National Monuments and Renews American Leadership to Steward Lands, Water, and Cultural Resources, The White House (Oct. 7, 2021).¹ However, if Plaintiffs' lawsuit, if successful, would mean that these lands would no longer receive monument protections or the increased management resources that accompany monument status. UDB therefore would need to divert its resources away from other projects and towards additional visitor education efforts, much as it did following the Trump Proclamation. If Plaintiffs' lawsuit succeeds, UDB expects that—much as was true in 2018 and 2019—it would once again need to devote

¹ Available at: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/10/07/fact-sheet-president-biden-restores-protections-for-three-national-monuments-and-renews-american-leadership-to-steward-lands-waters-and-cultural-resources/>.

approximately twenty percent or more of its operational budget to monitoring and protecting the land and engaging in public and visitor education efforts.

48. Plaintiffs' lawsuit, if successful, would mean that UDB would be forced to divert resources away from its core mission of building a sustainable local economy with local artists, entrepreneurs, businesses, and community leaders, and toward renewed efforts to protect the Bears Ears Area and prevent further damage to the land.

49. If Plaintiffs' lawsuit is successful, that will also directly impair UDB's ability to carry out its mission to preserve and record critical ecological and spiritual knowledge and insights for managing the landscape sustainably. The Biden Proclamation highlighted the importance of the knowledge of tribes and reestablished the integral role of tribes in managing the area, including by reestablishing the Bears Ears Commission. Unlike the Revocation Proclamation, the Biden Proclamation also expressly recognizes the importance of Tribal Nations that trace their ancestral origin to Bears Ears, and makes clear that Native peoples continue their cultural and spiritual practices in the Bears Ears region. This has sent the message to Native people that their wisdom and knowledge is in fact valued, which will help increase the likelihood that the tribes and local people want to engage with UDB's projects to preserve and share knowledge. And that, in turn, means that UDB will be more likely to succeed in its efforts to collect the traditional wisdom of Native American elders and incorporate that knowledge into a future collaborative land planning process for Bears Ears. If Plaintiffs prevail in their lawsuit challenging the Biden Proclamation, however, UDB will once again find it more difficult to gather knowledge from Native American elders. And UDB will be forced to divert resources away from this important cultural,

ecological, and ethnographic work in order to protect the land, educate visitors and the media, and conduct stewardship programs for responsible visitation.

50. Moreover, for UDB to fund the programs and operations essential to its core mission, like gathering elder interviews or mapping resources, it has to apply for and receive grants. Following the Revocation Proclamation, the tenuous nature of the protection offered to the land, the reduced size of the Monument, and the harm to the relationship between Tribes and the federal government—all a result of the Revocation Proclamation—made it more difficult for UDB to collaborate with partners, including the federal government, and apply for and utilize grant funds. For example, the Revocation Proclamation strained UDB’s relationship with ArtPlace America, which awarded UDB \$400,000 in the form of a two-year grant in November 2016, because UDB’s ability to complete the work under the grant depended on monument protection for the land: Mapping objects in the region depended on those objects receiving protection from damage and looting under Proclamation 9558, and gathering knowledge from local elders depended on the trust monument designation engendered. Those same harms would materialize again if Plaintiffs prevail in their lawsuit challenging the Biden Proclamation. UDB would again be facing financial uncertainty and tenuous partnerships with funders and the federal government.

51. The traditional foods program would also be hindered by a court ruling declaring the Biden Proclamation unlawful, as Plaintiffs seek here. As noted, the four corners potato is only found in the wild growing adjacent to historic Puebloan sites, particularly several kivas that were excluded from the Monument by the Revocation Proclamation. The Biden Proclamation re-incorporated the kivas within the Monument,

thereby protecting this land from further degradation and giving UDB an opportunity to re-cultivate the four corners potato. UDB's efforts to re-cultivate the potato are ongoing, including future plans to build a greenhouse adjacent to the monument. Plaintiffs' lawsuit challenging the Biden Proclamation, if successful, would remove these monument protections from the area and would thereby threaten the four corner potato's current environment again and would require UDB to divert funds from the traditional food programs to advocacy and to working on the lawsuits challenging the Biden Proclamation. That would again hinder UDB ability to move forward on the traditional foods program.

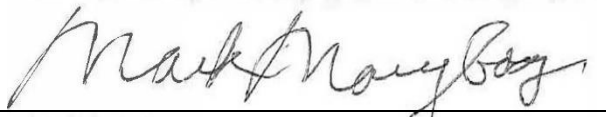
52. In short, after the Revocation Proclamation, UDB diverted a significant amount of time, resources, and funding away from its core mission and toward protecting the cultural and spiritual resources being desecrated, damaged, and destroyed. If Plaintiffs lawsuit is successful, UDB would be forced to again re-allocate resources toward fighting to protect the land at the core of Native peoples' lives. This would harm UDB's ability to carry out its core mission, and would have long-lasting impacts on the cultural heritage that is sacred to Tribes and their members.

53. Plaintiffs' lawsuit also threatens harm to my personal, spiritual, and aesthetic interests in the land. In conferring monument protections on the land, the Biden Proclamation protects the land from future mineral development, and requires BLM to manage the land to prevent further damage and degradation to the numerous sacred resources it contains. If Plaintiffs prevail in their lawsuit, however, the lands that were protected by the Biden Proclamation—but that were excluded by the Revocation Proclamation—would again be open for activities such as oil and gas leasing and mining.

That threatens to degrade natural and cultural resources that are important to me personally, and that are important to the Navajo people. And it would diminish my enjoyment of lands that I regularly visit and intend to continue to visit. Those lands, which are now protected by the Biden Proclamation, are central to my personal and spiritual well-being.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 23, 2022.


Mark Maryboy